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10/026,840

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Bryan M. Elwood

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EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/026,840	<b>Applicant(s)</b> ELWOOD ET AL.	
	<b>Examiner</b> PAUL DANNEMAN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 October 2009 has been entered.

### ***Response to Amendment***

2. This Office Action is in response to Applicants' Request for Continued Examination.
3. Claims 1 and 7 have been amended.
4. Claims 1-21 are pending and have been examined in this Office Action.

### ***Response to Arguments***

5. Applicants' arguments filed 27 October 2009 have been fully considered but they are not persuasive. Applicants argue with respect to the rejection of independent Claims 1 and 21 under 35 U.S.C. § 103(a) that when ***"paragraph [0057] is read in its full context, and also read with reference to paragraph [0056], it is clear that the iButton device may be used to grant access to the goods of the storage unit. However, the iButton itself does not identify an individual who seeks access to the goods."*** Respectfully the Examiner must disagree as iButton in at least page 2 discloses a Java powered cryptographic iButton which supports strong remote authentication. Also in page 3 of iButton it is disclosed that an iButton can be affixed to a badge, key fob, watch, or ring to grant its owner access to a building and etc. Applicants further argue that ***"Rather, as described in paragraph [0057], a device that identified an individual who seeks access to the goods may comprise, by way of example, a badge reading system that is able to log an individual's identification or a bioinformatics system, such as a finger scanning system, that is also able to log the individual's identification."***

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Respectfully, the Examiner must disagree as these limitations are not present in the claims. Therefore Claims 1 and 21 are properly rejected and remain rejected.

6. Applicants argue with respect to the rejection of independent claim 16 under 35 U.S.C. § 103(a) that ***“Examiner’s position that a hook or coupling element as disclosed in Richard et al. is essentially a mechanical arm is not understood and, in any event, Richard et al. does not disclose a mechanical arm that is attached onto a surface of a storage unit as claimed.”*** Respectfully the Examiner must disagree. Richard in at least Column 6, lines 14-33 discloses that the robot mechanism grasps a hook or other coupling element on the storage unit to extract the storage unit from the storage receptacle. While Richard does not specifically disclose a mechanical arm per se, it would have been obvious, to one of ordinary skill that a hook or other coupling element can also include a mechanical arm. In at least page 10 of iButton it is disclosed that the iButton can easily be attached to items such as containers, pallets, and semi-trailers and it can be networked to interact with hand-held or notebook computers, and the Internet. Therefore Claim 16 is properly rejected and remains rejected.

#### ***Claim Rejections - 35 USC § 103***

1. **Claims 1 through 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over iButton and further in view of Richard et al., US 6,564,120 B1 hereafter know as Richard.

**Claims 1, 2-6, 8-15, 17 and 19-21:**

- ***Tracking device tracks time and temperature at discrete time intervals,***
- ***Logging the information being tracked.***

iButton in at least page 5 discloses a thermochron device being used to track time and temperature and further discloses the time and date-stamped temperature being taken and recorded at discrete intervals. iButton in at least page 5 further discloses that the thermochron device can go wherever thermally vulnerable products go and may easily be attached to

containers of frozen or fresh foods, blood products, etc. for recording time and temperature during transport and storage.

iButton in at least page 8 discloses the thermochron device being configured to log the time and temperature and the device being tracked.

- **Tracking temperature, location and access to a plurality of items by use of a user identification.**

iButton in at least page 3 discloses the iButton being used to grant its owner access to a building, a PC, a piece of equipment, or a vehicle and in page 5 further discloses a globally unique address for identifying the device. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill that the person or item having affixed to it an iButton is being tracked and can be identified.

- **The tracking device communicates with a network to store and receive information.**

iButton in at least page 10 and page 11 discloses that the thermochron device can be networked, can be Web-addressable and may update its own Web page.

iButton does not disclose the following limitations. However, Richard does in at least Fig. 8, Column 2, lines 14-28 discloses:

- ***A storage unit;***
- ***With inner removable storage unit.***

Richard in at least Column 5, lines 42-54 further discloses:

- ***Processing device that reads the tracking data from the tracking device.***

Richard in at least Column 2, lines 25-28 discloses a computer operatively connected to a robot mechanism for controlling movement and access operation and for registering the contents of the storage receptacles.

- ***A data storage device electrically linked to the processing device;***
- ***Tracking data is stored in the data storage device.***

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Richard in at least Column 3, lines 1-7 discloses the storage receptacles in a rectangular grid array. Richard in at least Column 3, lines 26-30 further discloses that the storage receptacles are analogous to safety deposit boxes with an inner and outer panel to allow access to the safety deposit boxes and further discloses in Column 7, lines 13-15 that storage containers may take any form known in the art.

- ***Inner storage unit is a rack, a drawer storage rack or a drawer.***
- ***Inner storage unit is a shelf, a tray.***
- ***Inner storage unit is a Petri dish.***

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the well know temperature, time, and access control elements of iButton with the well known storage features of Richard with the motivation of achieving the combined predictable results for tracking the time and temperature of an item in storage.

**Claim 7:**

With regard to the following limitations:

- ***Wherein the inner storage unit is a shelf having electrodes, and***
- ***Further wherein the electrodes of the shelf are electrically connected to a network with the processing device so that the status of the items is monitored.***

In at least page 3 and 11 of iButton it is disclosed that a handheld computer or cordless pen-style Blue Dot receptor can be used to connect an iButton to a network and gather status information (temperature and time history) from the iButton. Richard in at least Column 8, lines 8-21 discloses that temperature sensors and feedback loops are in operative contact with the storage units for monitoring and controlling the temperatures thereof.

Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the well known network elements of iButton with the equally well known elements of Richard storage unit monitoring interface with the motivation of achieving the combined predictable results for monitoring the status of an item in a storage unit.

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**Claim 16:**

iButton do not disclose the following limitation:

- ***Attaching a mechanical arm onto a surface of the storage unit; and***

Richard does not specifically disclose a mechanical arm on the surface of the storage unit. However, Richard in at least Column 6, lines 14-33 discloses that the robot mechanism grasps a hook or other coupling element on the storage unit to extract the storage unit from the storage receptacle. Therefore it would be obvious, at the time of the invention, to a person of ordinary skill in the art that a hook or coupling element is essentially a mechanical arm which serves as a handle allowing the storage unit to be easily removed and replaced within the storage receptacle.

With regard to the limitation:

- ***Coupling a tracking device onto the mechanical arm.***

iButton in at least page 3 discloses the iButton being used to grant its owner access to a building, a PC, a piece of equipment, or a vehicle and in page 5 further discloses a globally unique address. iButton in at least page 5 further discloses that the thermochron device can go wherever thermally vulnerable products go and may easily be attached to containers of frozen or fresh foods, blood products, etc. for recording time and temperature during transport and storage.

Richard does not specifically disclose a tracking device coupled to the mechanical arm. However, Richard in at least Column 5, lines 46-50 does disclose the use of bar codes for enabling continued automated supervision and control. Richard in at least Column 6, lines 62-67 further discloses bar code applied to the end walls of the removable storage units, identifying the contents of the storage unit. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to combine the well know temperature, time, and access control elements of iButton with the well known storage features of Richard with the motivation of achieving the combined predictable results for tracking the time and temperature of an item in storage.

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**Claim 18:**

iButton does not disclose the following limitation:

- ***Wherein the mechanical arm is a restraint latch.***

Richard does not disclose a restraint latch. However Richard in at least Column 6, lines 1-5 discloses that the storage unit has compartments and each is closed by a friction-lock, slide-lock or snap-lock covers. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill in the art that friction-locks, slide-locks or snap-lock covers are types of restraint latches which are used to prevent a storage unit from accidentally opening and spilling its contents while the storage unit is being inserted or removed from the storage receptacle and during the transportation from one location to another.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

5 December 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627